IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

FRIDAY THE FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR
: PRESENT:
THE HONOURABLE MRS. JUSTICE: **T. MEENAKUMARI**
AND
THE HONOURABLE MR. JUSTICE: **GOPALAKRISHNA TAMADA**

APPEAL AGAINST ORDER No. 3411 of 2003

(Appeal under Section 19 of Family Courts Act against the order passed in O.P. No. 423 of 2002 dated 12-05-2003 on the file of the Court of Judge, Family Court, Vijayawada.)

Between:

Orsu Anuradha, W/o. Orsu Ajay Babu, Presently residing at H. No. 6-2-324, Lane NO.3, New Bhoiguda, Secunderabad.

...Appellant

AND

Orsu Ajay Babu S/o. Narasimha Rao, aged about 42 years, Occ : Doctor, Costal Diabetic Centre, Resident of Koka Chalapathi Rao Street, Durga Agraharam, Vijayawada, Krishna District.

..Respondent.

The appeal coming on for hearing upon perusing the Appeal and memo of grounds filed herein and the order of the High Court dated: 11-08-2004, 08-09-2004 & 28-09-2004 and made herein and upon hearing the arguments of Mr. O. Manohar Reddy, Advocate for the Appellant and Mr. V. Raghu, Advocate for the respondent, the Court made the following

ORDER:

"The appellant is present before this Court.

On 08-09-2004, the respondent who was physically present before this Court, agreed to pay the said amount of Rs. 2,00,000/- and sought time till 28-09-2004.

On 28-09-2004, it has been brought to our notice that a cheque bearing No. 892299 dated: 10-09-2004 issued by the respondent was bounced and he also could not pay the tuition fee of Rs. 2,00,000/- for his daughter and the last date for payment of the tuition was 30-09-2004. The respondent while paying an amount of Rs. 36,000/- in open Court, towards the hostel fee of this daughter, sought time up to 30-09-2004 for payment of Rs. 2,00,000/- towards the tuition fee of his daughter for studying MBBS Course and the matter was posted to 30-09-2004 under the Caption "for appearance". On the subsequent adjournments i.e. on 30-09-2004, 01-10-2004, 10-10-2004, 14-10-2004, 29-10-2004 and even today, neither the respondent-husband is present nor the amount of Rs. 2,00,000/- as directed by this court, is paid.

Today, when the mater is taken up for hearing, it is submitted by the learned counsel for the respondent that his client is pursuing in the Bank to get the Educational Loan for his daughter. The learned counsel has also filed a memo, dated: 29-10-2004 before the Court, wherein it is stated that necessary sanction will be given in the next week. But, today, the learned counsel for the respondent has failed to file any letter of sanction of Bank intending to grant loan to the respondent in the name of his daughter, Kum. Archana for prosecuting her M.B.B.S. Course, as to know the bonafides on the part of the respondent.

At this stage, it is brought to the notice of this Court by Mr. O. Manohar Reddy, the learned counsel for the appellant that monthly maintenance of Rs. 12,000/- is also not being paid.

Thus, attitude of the respondent, leads to draw an adverse interference against him that he ha no binding to his own oral undertakings before the open Court and also has no respect to the directions issued by this Court and even he has no care to attend before this Court when the case is being posted specifically under the caption of "appearance" from 28-09-2004.

In the above facts and circumstances, we are of considered view that it is a fit case wherein N.B.W. can be issued against the respondent for his production before this Court.

Accordingly, issue N.B.W. against the respondent viz: ORSU AJAY BABU, S/O. NARASIMHA RAO, AGED ABOUT 42 YEARS, DOCTOR, COSTAL DIABETIC CENTRE, RESIDENT OF KOKA CHALAPATHI RAO STREET, DURGA AGRAHARAM, VIJAYAWADA, KRISHNA DISTRICT.

The Commissioner of Police, Vijayawada, Krishna District, is hereby directed to get the above warrant executed against the respondent effectively and produce him before this Court on 08-11-2004 at 2.p.m.

The Registrar (Judicial) is directed to communicate this order forthwith by way of Fax to the Commissioner of Police, Vijayawada.

ASSISTANT REGISTRAR

// TRUE COPY //
for ASSISTANT REGISTRAR

To

1. The Judge, Family Court, Vijayawada, Krishna District.
2. The Commissioner of Police, Vijayawada, Krishna District. (BY FAX AND SPEED POST with a copy of Warrant to execute against the Respondent for his arrest and production before this Court)
3. The Registrar (Judicial), High Court of A.P., Hyderabad. (for kind perusal)
4. Two Spare copies.

Ksv

HIGH COURT

Ksv
Date of drafting: 05-11-2004

TMK.J
&
TGK.J

DATE: 05-11-2004

ORDER

CMA. No. 3411 of 2003

NBW AGAINST THE RESPONDENT